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Hon. Joseph F. Bianco
United States District Court
100 Federal Plaza
Central Islip, New York 11722

Re: In the Matter of the Complaint of Ivan Goodstein
2:10-cv-06006 (JFB) (WDW)

Dear Judge Bianco:

We represent claimant David Bernstein in the above-referenced action. I am writing in response to the letter from petitioner's counsel of today's date.

Petitioner's counsel neglected to advise the Court that earlier today we hand-delivered a Notice of Motion, a Declaration, and a Memorandum of Law in support of claimant's motion for an order lifting or modifying the stay entered in this limitation action on October 7, 2010 (Buchwald, J.) and, pursuant to the "savings to suitors" clause, 28 U.S.C. §1333, permitting claimant to commence a personal injury action demanding a jury trial in state court. We made the motion returnable before Magistrate Judge William D. Wall on a date to be determined by the Court.

I do not know why petitioner's counsel failed to mention the motion in his letter.

Respectfully submitted,



Mitchell K. Aaron

cc: James E. Mercante, Esq.
Rubin, Fiorella & Friedman, LLP
Attorneys for Petitioner Ivan Goodstein